

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

STAMBAUGH’S AIR SERVICE, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO. 1:00-CV-0660
	:	
SUSQUEHANNA AREA REGIONAL	:	
AIRPORT AUTHORITY, BAA	:	Chief Judge Yvette Kane
HARRISBURG, INC., DAVID FLEET,	:	Magistrate Judge Smyser
individually, DAVID HOLDSWORTH,	:	
individually, and DAVID C. McINTOSH,	:	
individually,	:	
	:	
Defendants.	:	

**DEFENDANTS’ NUNC PRO TUNC MOTION
FOR LEAVE TO FILE BRIEF IN EXCESS OF 10,000 WORDS**

NOW COME Defendants Susquehanna Area Regional Airport Authority, BAA Harrisburg, Inc., David Fleet, David Holdsworth, and David C. McIntosh, (collectively “Defendants”), by and through their attorneys, Rhoads & Sinon LLP, file the within Nunc Pro Tunc Motion for Leave to File Brief in Excess of 10,000 Words as follows:

1. Defendants filed their Motion for Summary Judgment and Brief in Support of Motion for Summary Judgment on July 9, 2007.

2. Defendants' counsel was intent on doing a thorough job on the dispositive motion and supporting brief in order to fully represent the interests of their clients in obtaining judgment in this Action.

3. Defendants are grateful for this Honorable Court's generosity in granting their Motion for Leave to File Brief in Excess of 15 Pages or 10,000 Words on July 2, 2007.

4. Due to the lengthy, complex nature of this litigation, the number of depositions, and the number of counts and categories of damages alleged by Plaintiff, however, Defendants experienced difficulty in fully addressing and supporting their arguments for summary judgment within the 10,000 word limit.

5. Defendants made every effort to adhere to the extended word limit, but inadvertently exceeded it by 1,343 words.

5. Defendants' respectfully request that this Court grant *nunc pro tunc* leave to file their Brief in Support of Motion for Summary Judgment, which exceeds the word limit by 1,343 words.

6. Defendants do not believe that Plaintiff will be harmed or prejudiced if said motion is granted.

7. Counsel for Defendants attempted to contact lead counsel for Plaintiff, Jordan Cunningham, Esquire, in order to obtain his concurrence in this Motion pursuant to the Middle District Rules of Civil Procedure. Counsel was not available yesterday or this morning due to a hearing in a separate matter. Defendants wish to avoid any further delay in filing this Motion, thus file this Motion presuming Plaintiff's non-concurrence.

WHEREFORE Defendants respectfully request that this Honorable Court grant its Motion, allowing Defendants to file a brief that contains an additional 1,343 words in excess of the 10,000 word limit or in the alternative, in the interest of judicial economy, request that this Court decline to strike Defendants' oversized brief and expect Defendants' strict compliance with this Local Rule in the future.

Respectfully submitted,

RHOADS & SINON LLP

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Attorneys for Defendants

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individually,	:	
	:	
Defendants.	:	

CERTIFICATE OF NON-CONCURRENCE

The undersigned certifies that Rhoads & Sinon LLP contacted lead counsel for Plaintiff, Jordan Cunningham, Esquire, in order to obtain his concurrence in this Motion pursuant to the Middle District Rules of Civil Procedure. Counsel was not available yesterday or this morning due to a hearing in a separate matter. Defendants wish to avoid any further delay in filing this Motion, thus file this Motion presuming Plaintiff's non-concurrence.

RHOADS & SINON LLP

By: /S/ Dean F. Piermattei